

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	2254.05
COMPLAINT INVESTIGATOR:	Brian Simkins
DATE OF COMPLAINT:	May 10, 2005
DATE OF REPORT:	June 8, 2005
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	July 25, 2005

COMPLAINT ISSUES:

Whether the Clark Pleasant Community School Corporation and the Johnson County Special Services violated:

511 IAC 7-27-3(a)(1) by failing to ensure that the case conference committee participants include a representative of the public agency.

511 IAC 7-27-4(a)(3) by failing to convene the case conference committee upon the request of the parent.

During the course of this investigation, an additional issue was identified:

511 IAC 7-27-7(a) by failing to implement the student's individualized education program (IEP) as written, specifically by failing to provide the required speech therapy services.

FINDINGS OF FACT:

1. The Student is four years old and has been identified as having a communication disorder and has been determined eligible for special education and related services.
2. The Complainant specifically alleges that the designated representative of the public agency was not in attendance at the Student's case conference committee (CCC) meeting held on November 22, 2004. The Individuals Participating in Conference section of the CCC Report indicates an original signature of one of the district's certified special education preschool teachers on the line after Other Special Education Teacher(s). That same teacher's name is also printed in the space after Designate Agency Representative. The School maintains that this teacher was the public agency representative and was in attendance as indicated by the signature. No further explanation is provided regarding whether the individual in question fits the qualifications of a public agency representative according to 511 IAC 7-27-3(a)(1).
3. The Complainant requested a CCC meeting shortly after the meeting convened on November 22, 2004, on or about December 16, 2004. The School sent a Notice of Case Conference form dated December 16, 2004, to the Complainant. The Complainant called the School on December 20, 2004, to state that she would not be able to attend. The School's records do not indicate any correspondence to or from the Complainant until January 31, 2005. The CCC did not convene until May 16, 2005.

4. The Student's IEP dated November 22, 2004, indicates that the Student is to receive speech therapy services one time per week for 30 minutes. Speech services were provided as written on November 23, and December 7, and 14, 2004, up until winter break. The Student's teacher of record went on maternity leave and a replacement was hired. The replacement worked one day in January 2005, then resigned. The School acknowledges that the Student did not receive the required speech services during the entire month of January 2005.
5. On February 4, 2005, the Complainant signed permission to release records to Library Park Rehabilitation Center to continue speech services through that agency. Services were provided at that location until April 25, 2005. On April 18, 2005, a new speech therapist was hired and the Student continued receiving services at her local elementary school. On May 16, 2005, a CCC meeting convened and agreed to provide the Student 12 hours of compensatory speech therapy sessions over the summer of 2005.

CONCLUSIONS:

1. Finding of Fact #2 indicates that the School has not provided documentation indicating whether the special education preschool teacher who signed her name showing participation in the CCC convened on November 22, 2004, is qualified to be designated as the public agency representative, and why she signed in as a special education teacher in addition to also having her name printed on the line indicating she participated as the public agency representative. Therefore, a violation of 511 IAC 7-27-3(a)(1) is found.
2. Finding of Fact #3 indicates that the School responded to the Complainant's request for a CCC meeting in December 2004, but after the Complainant called on December 20, 2004, to say she could not attend, an inordinate delay followed. The School convened the Student's CCC on May 16, 2005. Therefore, a violation of 511 IAC 7-27-4(a)(3) is found.
3. Finding of Fact #4 indicates that the School acknowledges speech therapy services were not provided the Student during the month of January 2005. Therefore, a violation of 511 IAC 7-27-7(a) is found. However, Finding of Fact #5 indicates that corrective action has been taken.

The Department of Education, Division of Exceptional Learners requires the following corrective action based on the Findings of Fact and Conclusions listed above.

CORRECTIVE ACTION:

The Clark Pleasant Community School Corporation and Johnson County Special Services shall:

Send a written memorandum to all school administrators and relevant special education personnel regarding compliance with the requirements of 511 IAC 7-27-3(a)(1) and 511 IAC 7-27-4(a)(3). A copy of the memorandum and a list of all personnel who receive it shall be sent to the Division no later than July 15, 2005.